

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-SIXTH DAY — TUESDAY, APRIL 26, 2005

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 402).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Zedler.

Absent — Bohac; Smith, T.; Talton; Woolley.

The invocation was offered by Dr. Kyle Reese, pastor, First Baptist Church, San Angelo, as follows:

Eternal and loving God, we pause to give you thanks for this day. We recognize that life is a gift. We ask, O God, your grace and peace be on all who gather here. Help each member to be a good steward of your many good gifts.

I pray for this gathering. I ask you to guide this body as it seeks to serve the public and promote the common good. Bless all the activities undertaken by this group today.

O God, I pray for each member of the Texas House of Representatives. I pray that you will give them the courage to search for truth, both individually and collectively. Give to each member the wisdom to recognize truth. Give to each member the resolve to act according to the truth. Give to each the humility to change his or her mind when truth comes in conflict with personal opinion.

Finally, O God, I pray for the citizens of Texas. May the actions taken here today be of benefit to all people in our great state. May the least and the greatest benefit from today's deliberations. Respecting all faiths, I pray in the name of Jesus Christ. Amen.

The speaker recognized Representative Campbell who led the house in the pledges of allegiance to the United States and Texas flags.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Miller and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CAPITOL PHYSICIAN

The speaker recognized Representative Harper-Brown who presented Dr. Douglas Curran of Athens as the "Doctor for the Day."

The house welcomed Dr. Curran and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Bohac now present)

HR 1298 - ADOPTED (by Swinford)

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 1298**.

The motion prevailed.

The following resolution was laid before the house:

HR 1298, Recognizing April 26, 2005, as Texas Grain & Feed Association Day at the State Capitol.

(Orr in the chair)

HR 1298 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Swinford who introduced members of the Texas Grain and Feed Association.

(Woolley now present)

HR 1100 - ADOPTED (by Chavez)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 1100**.

The motion prevailed.

The following resolution was laid before the house:

HR 1100, Honoring Dia de los Niños/Dia de los Libros in El Paso on April 30, 2005.

HR 1100 was adopted.

HR 1296 - ADOPTED
(by F. Brown)

Representative F. Brown moved to suspend all necessary rules to take up and consider at this time **HR 1296**.

The motion prevailed.

The following resolution was laid before the house:

HR 1296, Honoring the County and District Clerks Association of Texas.

HR 1296 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative F. Brown who introduced members of the County and District Clerks Association of Texas.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 1289 - ADOPTED
(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1289**.

The motion prevailed.

The following resolution was laid before the house:

HR 1289, Congratulating Mark Twain, Oran Roberts, and River Oaks Elementary Schools in Houston on their selection as International Baccalaureate Elementary Schools.

HR 1289 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Wong who introduced faculty of Mark Twain, Oran Roberts, and River Oaks Elementary Schools.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 31).

HR 1344 - ADOPTED
(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1344**.

The motion prevailed.

The following resolution was laid before the house:

HR 1344, Honoring Houston's Sydney Lanier Middle School and M. B. Lamar High School for being named International Baccalaureate Schools.

HR 1344 was read and was adopted.

(Talton now present)

INTRODUCTION OF GUESTS

The chair recognized Representative Wong who introduced faculty of Sydney Lanier Middle School and M. B. Lamar High School.

HR 1348 - ADOPTED

(by Rose)

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 1348**.

The motion prevailed.

The following resolution was laid before the house:

HR 1348, Commending the Buda Buddy Program at Buda Elementary School for the positive impact it is having in the lives of students.

HR 1348 was read and was adopted.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 652 ON SECOND READING

(by Bohac)

HB 652, A bill to be entitled An Act relating to the submission of proposed charter amendments to the voters in a home-rule municipality.

HB 652 was read second time on April 19, postponed until April 21, and was again postponed until 9 a.m. today.

HB 652 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(T. Smith now present)

CSHB 1588 ON SECOND READING

(by Driver)

CSHB 1588, A bill to be entitled An Act relating to the qualifications and removal of and continuing education requirements for a constable.

CSHB 1588 was read second time on April 22 and was postponed until 9 a.m. today.

Amendment No. 1

Representative Keel offered the following amendment to **CSHB 1588**:

Amend **CSHB 1588** (House Committee Report) as follows:

(1) Strike page 1, line 5, through page 2, line 9, and substitute the following:

SECTION 1. Section 86.0021(a), Local Government Code, is amended to read as follows:

(a) A person is not eligible to serve as constable unless:

(1) the person:

(A) ~~[(+) has at least an associate's degree conferred by an institution of higher education accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board [a high school diploma or a high school equivalency certificate]; and]~~

(B) is a special investigator under Article 2.122(a), Code of Criminal Procedure; or

(C) is an honorably retired peace officer or honorably retired federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Occupations Code; and

(2) the person is eligible to be licensed under Sections 1701.309 and 1701.312, Occupations Code.

(2) On page 2 strike lines 10 and 11 and substitute the following:

SECTION 2. Subchapter H, Chapter 1701, Occupations Code, is amended by adding Section 1701.3545 to read as follows:

(3) On page 2, line 12, strike "96.642" and substitute "1701.3545".

(4) On page 2, lines 13 and 14, strike "The Bill Blackwood Law Enforcement Management Institute of Texas" and substitute "A public institution of higher education selected by the commission".

(5) On page 2, line 17, strike "institute" and substitute "institution selected under this subsection".

(6) On page 2, line 19, strike "Commission on Law Enforcement Officer Standards and Education" and substitute "commission".

(7) On page 2, line 21, strike "institute" and substitute "selected institution".

(8) On page 3, lines 4 and 5, strike "Chapter 1701, Occupations Code" and substitute "this chapter".

(9) On page 3, line 10, strike "institute" and substitute "institution selected under Subsection (a)".

(10) On page 3, lines 20 and 21, strike "Subchapter H, Chapter 1701, Occupations Code" and substitute "this subchapter".

(11) On page 3, lines 22 and 23, strike "Commission on Law Enforcement Officer Standards and Education" and substitute "commission".

(12) On page 5, strike lines 1 through 4 and substitute the following:

SECTION 4. (a) Not later than January 1, 2006, the public institution of higher education selected by the Commission on Law Enforcement Officer Standards and Education under Section 1701.3545, Occupations Code, as added by this Act, shall establish the initial training and education programs required by that section.

(13) On page 5, line 5, strike "96.642(c), Education" and substitute "1701.3545(c), Occupations".

Amendment No. 1 was adopted.

CSHB 1588, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2051 ON SECOND READING
(by Krusee)

CSHB 2051, A bill to be entitled An Act relating to the adoption of a state scenic byways program.

CSHB 2051 was read second time on April 19 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Krusee offered the following amendment to **CSHB 2051**:

Amend **CSHB 2051** as follows:

- (1) On page 2, line 4, strike "and".
- (2) On page 2, line 5, strike "requires the applicant" and substitute "allows an applicant who consents".
- (3) On page 2, line 7, strike the period and substitute "½".
- (4) On page 2, between lines 7 and 8, insert the following:
(4) excludes from designation a highway or a segment of a highway that no longer meets the criteria established by the department for designation as a State Scenic Byway; and
- (5) excludes from designation as a State Scenic Byway any segment of a highway that:
 - (A) is adjacent to land zoned as commercial or industrial;
 - (B) does not have the scenic, historic, cultural, natural, recreational, or archaeological qualities for which the highway as a whole is being designated; and
 - (C) is not requested to be excluded from designation for the sole purpose of allowing outdoor advertising as determined by the department.

Amendment No. 1 was adopted.

CSHB 2051, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSSB 574 ON SECOND READING
(Pickett - House Sponsor)

CSSB 574, A bill to be entitled An Act relating to requirements for the issuance of land development permits by political subdivisions.

CSSB 574 was considered in lieu of **CSHB 2748**.

CSSB 574 was read second time.

Amendment No. 1

Representative Puente offered the following amendment to **CSSB 574**:

Amend **CSSB 574** on page 2, between lines 24 and 25, by inserting the following appropriately numbered section and by renumbering the remaining sections of the bill as appropriate:

SECTION __. Section 245.004, Local Government Code, is amended to read as follows:

Sec. 245.004. EXEMPTIONS. This chapter does not apply to:

(1) a permit that is at least two years old, is issued for the construction of a building or structure intended for human occupancy or habitation, and is issued under laws, ordinances, procedures, rules, or regulations adopting only:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; or

(B) local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons;

(2) municipal zoning regulations that do not affect lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by a municipality;

(3) regulations that specifically control only the use of land in a municipality that does not have zoning and that do not affect lot size, lot dimensions, lot coverage, or building size;

(4) regulations for sexually oriented businesses;

(5) municipal or county ordinances, rules, regulations, or other requirements affecting colonias;

(6) fees imposed in conjunction with development permits;

(7) regulations for annexation;

(8) regulations for utility connections;

(9) regulations to prevent imminent destruction of property or injury to persons from flooding that are effective only within a flood plain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy;

(10) construction standards for public works located on public lands or easements; ~~or~~

(11) regulations to prevent the imminent destruction of property or injury to persons if the regulations do not:

(A) affect lot size, lot dimensions, lot coverage, building size, residential or commercial density, or the timing of a project; or

(B) change development permitted by a restrictive covenant required by a municipality; or

(12) regulations of a political subdivision that is wholly or partly located within the boundaries of a groundwater conservation district that consists of territory in eight or more counties.

Representative Pickett moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 403): 88 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Eissler; Elkins; Farabee; Flynn; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hochberg; Hope; Howard; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kuempel; Laney; Laubenberg; Madden; Miller; Morrison; Mowery; Nixon; Oliveira; Otto; Paxton; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Castro; Coleman; Cook, B.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Flores; Frost; Gonzales; Goodman; Guillen; Herrero; Hodge; Homer; Hopson; Jones, D.; Krusee; Leibowitz; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Puente; Rodriguez; Rose; Solis; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Orr(C).

Absent — Bailey; Burnam; Gallego; Gattis; Geren; Giddings; Gonzalez Toureilles; Hilderbran; Hughes; Jones, J.; Kolkhorst; Luna; Menendez; Taylor.

STATEMENT OF VOTE

When Record No. 403 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

CSSB 574 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Puente recorded voting no.)

CSHB 2748 - LAID ON THE TABLE SUBJECT TO CALL

Representative Pickett moved to lay **CSHB 2748** on the table subject to call.

The motion prevailed.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Hilderbran on motion of Corte.

The following member was granted leave of absence temporarily for today because of illness in the family:

Nixon on motion of Denny.

The following member was granted leave of absence temporarily for today because of important business in the district:

Taylor on motion of Crownover.

(Speaker in the chair)

CSHB 1006 ON SECOND READING
(by Isett, Bohac, Eissler, Gattis, Crabb, et al.)

CSHB 1006, A bill to be entitled An Act relating to certain limitations on the ad valorem tax rates of certain taxing units.

CSHB 1006 was read second time on April 21, amended, and was postponed until 10 a.m. today.

CSHB 1006 - POINT OF ORDER

Representative Hill raised a point of order against further consideration of **CSHB 1006** under Rule 7, Section 14 of the House Rules on the grounds that the motion to postpone the bill was indefinite and incomplete.

The speaker overruled the point of order.

CSHB 1006 - POINT OF ORDER

Representative Dunnam raised a point of order against further consideration of **CSHB 1006** under Rule 6 Section 1(a)(10), Rule 7, Sections 15(a) and 16 of the House Rules on the grounds that the bill is being taken up out of order.

The speaker overruled the point of order.

PARLIAMENTARY INQUIRY

REPRESENTATIVE DUNNAM: Just so that we're clear, when someone says from the front microphone, that something is set—

MR. SPEAKER: Mr. Dunnam, first let me say that it's a debatable motion. If you want to object or question it, you should have done it at that time. Mr. Isett made a debatable motion that you could have objected to or spoken for or against and no one did that, not just you, but no one did.

DUNNAM: And I have no objection, I don't know why anyone would object to taking it up at 10:06. My question is if someone says from the front mic that a bill is set until a time certain 10:15, and then the calendar and the bill and everything is printed at a different time—11 o'clock, 12 o'clock, or 10 o'clock—what governs? What the gentleman said from the front mic or what is printed in the journal?

MR. SPEAKER: We rely, Mr. Dunnam, for years, or as far back as I remember, on the calendars printed, and that's what we're going to continue to do.

DUNNAM: So whatever the gentleman said from the front is irrelevant, it's what is printed?

MR. SPEAKER: No, you can debate it at that time, is what I am saying, Mr. Dunnam.

DUNNAM: How could we debate it at that time because at the time that he made the motion for 10:06, we didn't know that the journal was going to be erroneously printed, so I don't know what there would be to debate.

MR. SPEAKER: We've been consistent, Mr. Dunnam, as I explained to you up here. The house has always used those times.

DUNNAM: So the members should look to what's printed in the journal as opposed to what's said at the front mic?

MR. SPEAKER: The clerk makes a good faith estimate to print out the nearest time on the calendar. It's been done that way throughout.

DUNNAM: One other question, Mr. Speaker. So 10:06 means 10 o'clock, I assume 10:15 means 10 o'clock, 10:29 means 10 o'clock. What does 10:31 mean—does that mean 10 or 11 o'clock?

MR. SPEAKER: Mr. Dunnam, I am not going to get into any hypothetical questions with you.

DUNNAM: You said we always round, I am just curious whether we round—

MR. SPEAKER: Mr. Dunnam, as I explained to you up here earlier, that sometimes they'll do 9:30 and I think that's specific. An odd time has been rounded out ever since I've been here.

DUNNAM: And there's precedent that this point of order has been called?

MR. SPEAKER: I don't know if there's precedent on a point of order, but we've just looked back to see what's been done in common practice—in house practice, and that's what's been done.

DUNNAM: But if no one had objected in the past, how was that precedent, there's no ruling?

MR. SPEAKER: It's been a house practice, I didn't say precedent.

(Nixon now present)

Amendment No. 19

Representative Isett offered the following amendment to **CSHB 1006**:

Amend **CSHB 1006**, in Section 26.046, Tax Code, as added by the Carter Casteel amendment to the bill, by striking Subsection (d) of that added section, and substituting the following:

(d) The effective tax rate and the rollback tax rate for a taxing unit calculated under any other provision of this chapter are increased by the rate that, if applied to current total value, would impose an amount of taxes equal to the amount the taxing unit is required to spend to comply with or implement an unfunded state mandate in the budget year for which the taxes will be imposed. If

the taxing unit is a county or a municipality, in the formula for calculating the rollback tax rate under any other provision of this chapter, the governing body of the taxing unit may, at its option, substitute the sum of 1 plus the consumer price index percentage change, if any, not to exceed eight percent, for 1.05. For a county or municipality that elects to make the substitution in the calculation of its rollback tax rate as authorized by this subsection, notwithstanding Section 26.07(b) (2), Tax Code, a petition authorized by Section 26.07(a) of that code is valid only if it is signed by a number of registered voters of the county or municipality equal to at least 10 percent of the number of registered voters of the taxing unit according to the most recent official list of registered voters. Not later than July 1 of each year the state auditor shall determine the consumer price index percentage change and publish that change in the Texas Register. In this subsection:

(1) "consumer price index" means the consumer price index, as published by the Bureau of Labor Statistics of the United States Department of Labor, that measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers' families and single workers living alone (CPI-W: Seasonally Adjusted U.S. City Average — All Items).

(2) "Consumer price index percentage change" means the percentage increase or decrease in the consumer price index for the most recent state fiscal year for which the information is available, from the consumer price index for the state fiscal year preceding that state fiscal year, as calculated by the state auditor.

PARLIAMENTARY INQUIRY

REPRESENTATIVE VILLARREAL: It's my understanding that an amendment that cuts off a previously adopted amendment isn't in the practice of this body of being adopted.

MR. SPEAKER: Could you ask that again, Mr. Villarreal?

VILLARREAL: It's my understanding that Mr. Isett's amendment reverses an amendment that we adopted during the last discussion of **HB 1006**. And my question is that—if we move forward and if Mr. Isett's amendment is adopted, can we return, as Mr. Isett has, and amend his amendment?

MR. SPEAKER: Mr. Villarreal, come down front, would you please? Members, Mr. Villarreal had a parliamentary inquiry asking about the amendment—an amendment that the author feels is trying to correct a problem in the bill. We're going to allow that and we're going to allow the amendment. Chair recognizes Mr. Hill to speak against the bill.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a funeral:

Dukes on motion of McClendon.

CSHB 1006 - (consideration continued)

Representative Casteel moved to table Amendment No. 19.

A record vote was requested.

The motion to table was lost by (Record 404): 69 Yeas, 77 Nays, 0 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Blake; Burnam; Casteel; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Guillen; Haggerty; Hardcastle; Herrero; Hill; Hochberg; Hodge; Hopson; Hunter; Jones, J.; King, T.; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Mowery; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Smith, T.; Solis; Strama; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal.

Nays — Mr. Speaker(C); Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dutton; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Grusendorf; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Homer; Hope; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Laubenber; Madden; McCall; Miller; Morrison; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Dukes; Hilderbran; Taylor.

Absent — Oliveira.

Amendment No. 19 - Point of Order

Representative Dunnam raised a point of order against further consideration of Amendment No. 19 under Rule 11, Section 8(b) of the House Rules on the grounds that the amendment strikes a paragraph from the amendment and inserts one.

The speaker overruled the point of order.

PARLIAMENTARY INQUIRY

REPRESENTATIVE DUNNAM: Mr. Isett said that his intent was to amend Ms. Casteel's amendment, and it is my understanding that under practice—

MR. SPEAKER: He said he never said that. His bill was to correct it, Mr. Dunnam.

DUNNAM: To correct the Casteel amendment then? But the Casteel amendment has gone on, and is it the proper procedure to reconsider the Casteel amendment, pull it off and then correct it, and then vote again on the Casteel amendment?

MR. SPEAKER: Mr. Dunnam, it is my understanding that he is trying to correct some problems that are in the bill that aren't related specifically or only to the Casteel amendment. That is what the author told me. Mr. Dunnam, there is a

mistake in the caption of the amendment according to Ms. Casteel. Mr. Dunnam, okay, there seems to be a mistake in the citing of the Carter Casteel amendment, and Mr. Isett is trying to clear that up as well as some other problems he sees within the bill.

DUNNAM: My question is simply procedural, Mr. Speaker. If he is going in to correct something that was in Ms. Casteel's amendment, is the proper practice to reconsider the vote on that amendment, if that prevails then amend the Casteel amendment, then vote on it anew as opposed to trying to lay another amendment on top of what Ms. Casteel has already done? My understanding is—

MR. SPEAKER: No, members this is a new amendment, and you are going to have a chance to vote it up or down.

REMARKS ORDERED PRINTED

Representative Dunnam moved to print the parliamentary inquiry between Speaker Craddick and Representative Dunnam on the point of order rulings on **CSHB 1006**; the parliamentary inquiry between Speaker Craddick and Representative Villarreal on Amendment No. 19; and the parliamentary inquiry between Speaker Craddick and Representative Dunnam on Amendment No. 19.

The motion prevailed.

A record vote was requested.

Amendment No. 19 was adopted by (Record 405): 76 Yeas, 70 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Farabee; Gattis; Goodman; Goolsby; Grusendorf; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Laubenberg; Madden; Miller; Morrison; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Blake; Burnam; Casteel; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Griggs; Guillen; Haggerty; Hardcastle; Herrero; Hill; Hochberg; Hodge; Hunter; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Smith, T.; Solis; Strama; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal.

Absent, Excused — Dukes; Hilderbran; Taylor.

Absent — Kuempel.

STATEMENT OF VOTE

When Record No. 405 was taken, I was in the house but away from my desk. I would have voted no.

Kuempel

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 9).

CSHB 1006 - (consideration continued)

A record vote was requested.

CSHB 1006, as amended, was passed to engrossment by (Record 406): 80 Yeas, 65 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Farabee; Flynn; Gattis; Goodman; Goolsby; Grusendorf; Guillen; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McReynolds; Miller; Morrison; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Raymond; Reyna; Riddle; Rose; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Burnam; Casteel; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Escobar; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Haggerty; Hardcastle; Herrero; Hill; Hochberg; Hodge; Hunter; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; McClendon; Merritt; Moreno, J.; Moreno, P.; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Ritter; Rodriguez; Smith, T.; Solis; Strama; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal.

Absent, Excused — Dukes; Hilderbran; Taylor.

Absent — Eiland; Menendez.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 406. I intended to vote no.

Kuempel

When Record No. 406 was taken, I was absent because of important business. Had I been present I would have voted yes.

Menendez

HB 2491 ON SECOND READING**(by Puente)**

HB 2491, A bill to be entitled An Act relating to the transfer of an ad valorem tax lien and to a contract for foreclosure of an ad valorem tax lien.

HB 2491 was read second time on April 22 and was postponed until 10 a.m. today.

Representative Puente moved to postpone consideration of **HB 2491** until 10 a.m. April 28.

The motion prevailed.

CSHB 1676 ON SECOND READING**(by Dukes)**

CSHB 1676, A bill to be entitled An Act relating to providing information about Respiratory Syncytial Virus under certain continuing education programs.

CSHB 1676 was read second time on April 22 and was postponed until 10 a.m. today.

Representative McClendon moved to postpone consideration of **CSHB 1676** until 10 a.m. May 6.

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Corte moved to suspend the five day posting rule to allow the Committee on Defense Affairs and State-Federal Relations to consider **SCR 2** at 8 a.m. April 28 in E2.010.

The motion prevailed.

Representative J. Keffer moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **HCR 155** upon adjournment today.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Corrections, upon lunch recess today, Desk 50, for a formal meeting, to consider pending legislation.

Juvenile Justice and Family Issues, upon lunch recess today, Desk 115, for a formal meeting, to consider pending business.

Defense Affairs and State-Federal Relations, 8 a.m. April 28, E2.010, for a public hearing, to consider **SCR 2** and posted bills.

Defense Affairs and State-Federal Relations, upon lunch recess today, Desk 76, for a formal meeting, to consider pending business.

Transportation, upon lunch recess today, Desk 46, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon lunch recess today, Desk 59, for a formal meeting, to consider pending business.

Natural Resources, upon lunch recess today, Desk 112, for a formal meeting, to consider pending business.

RECESS

At 12:36 p.m., the speaker announced that the house would stand recessed until 2 p.m. today.

AFTERNOON SESSION

The house met at 2 p.m. and was called to order by the speaker.

(Hilderbran now present)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of appropriations business:

Pitts on motion of Solomons.

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 402 ON THIRD READING (Hamric - House Sponsor)

SB 402, A bill to be entitled An Act relating to the administration and functions of the Texas State Board of Podiatric Medical Examiners; providing an administrative penalty.

SB 402 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 407 ON THIRD READING (B. Cook - House Sponsor)

SB 407, A bill to be entitled An Act relating to the continuation and functions of the State Board of Veterinary Medical Examiners.

SB 407 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 418 ON THIRD READING**(by Turner)**

HB 418, A bill to be entitled An Act relating to an exception to the 72-hour waiting period for a marriage ceremony for certain individuals.

A record vote was requested.

HB 418 was passed by (Record 407): 135 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenber; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C); Blake.

Absent, Excused — Dukes; Pitts; Taylor.

Absent — Bailey; Callegari; Chavez; Crownover; Edwards; Haggerty; Luna; Miller; Phillips; Villarreal.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 407. I intended to vote yes.

Blake

When Record No. 407 was taken, I was in the house but away from my desk. I would have voted yes.

Edwards

HB 440 ON THIRD READING**(by Dutton)**

HB 440, A bill to be entitled An Act relating to the modification or enforcement of a child support order during the obligor's confinement in jail or prison.

HB 440 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown and Phillips recorded voting no.)

HB 480 ON THIRD READING

(by Keel)

HB 480, A bill to be entitled An Act relating to the towing and storage of certain vehicles; providing a penalty.

HB 480 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 798 ON THIRD READING

(by Uresti)

HB 798, A bill to be entitled An Act relating to release of a child taken into protective custody by a law enforcement or juvenile probation officer.

A record vote was requested.

HB 798 was passed by (Record 408): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes; Pitts; Taylor.

Absent — Villarreal.

HB 850 ON THIRD READING**(by B. Brown)**

HB 850, A bill to be entitled An Act relating to professional health care liability insurance coverage information provided by a nursing home.

HB 850 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 916 ON THIRD READING**(by Woolley)**

HB 916, A bill to be entitled An Act relating to creating the Governor's Health Care Coordinating Council.

A record vote was requested.

HB 916 was passed by (Record 409): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes; Pitts; Taylor.

Absent — Crownover; Edwards.

STATEMENT OF VOTE

When Record No. 409 was taken, my vote failed to register. I would have voted yes.

Edwards

HB 1036 ON THIRD READING
(by Rose, Keel, and Strama)

HB 1036, A bill to be entitled An Act relating to conflicts of interest of policy board members of metropolitan planning organizations; providing a criminal penalty.

HB 1036 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1189 ON THIRD READING
(by Hartnett and Alonzo)

HB 1189, A bill to be entitled An Act relating to the creation of two additional criminal judicial districts composed of Dallas County.

HB 1189 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Woolley in the chair)

HB 1213 ON THIRD READING
(by Harper-Brown)

HB 1213, A bill to be entitled An Act relating to fitness incentive pay for certain fire fighters and police officers.

HB 1213 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1316 ON THIRD READING
(by Zedler)

HB 1316, A bill to be entitled An Act relating to immunization requirements for children in regulated child-care facilities.

HB 1316 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown, Herrero, Keel, and Leibowitz recorded voting no.)

HB 1418 ON THIRD READING
(by Gonzalez Toureilles and Herrero)

HB 1418, A bill to be entitled An Act relating to the justice court technology fund and to requiring the assessment of a technology fee on conviction of certain misdemeanor offenses.

HB 1418 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Keel recorded voting no.)

HB 1430 ON THIRD READING

(by McCall, Hochberg, Peña, Zedler, Giddings, et al.)

HB 1430, A bill to be entitled An Act relating to the installation, copying, or use of computer software for unauthorized purposes; providing penalties.

A record vote was requested.

HB 1430 was passed by (Record 410): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenber; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Zedler.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Dukes; Pitts; Taylor.

HB 1483 ON THIRD READING

(by Frost and Guillen)

HB 1483, A bill to be entitled An Act relating to the method of payment for a concealed handgun license and the fee for a duplicate or modified license.

A record vote was requested.

HB 1483 was passed by (Record 411): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny;

Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Zedler.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Dukes; Pitts; Taylor.

Absent — Jones, J.

HB 1599 ON THIRD READING **(by Callegari)**

HB 1599, A bill to be entitled An Act relating to a conservation and reclamation district's use of money received under a contract with a municipality.

HB 1599 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1688 ON THIRD READING **(by Dutton, Olivo, and Hegar)**

HB 1688, A bill to be entitled An Act relating to the employment of school district peace officers and the enforcement of certain violations under a student code of conduct.

HB 1688 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1708 ON THIRD READING **(by Baxter and Keel)**

HB 1708, A bill to be entitled An Act relating to the applicability of state ethics laws to and indemnification of directors of regional mobility authorities; providing penalties.

HB 1708 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1833 ON THIRD READING
(by Chisum)

HB 1833, A bill to be entitled An Act relating to disclosures required for the creation of certain consumer contracts solicited by mail; providing a civil penalty.

HB 1833 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

HB 2077 ON THIRD READING
(by Kolkhorst)

HB 2077, A bill to be entitled An Act relating to the prohibition of wireless communications devices in correctional facilities operated by or under contract with the Texas Department of Criminal Justice; providing penalties.

HB 2077 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2370 ON THIRD READING
(by McReynolds, Blake, Hughes, et al.)

HB 2370, A bill to be entitled An Act relating to the regulation of poultry facilities.

HB 2370 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2333 ON THIRD READING
(by Morrison)

HB 2333, A bill to be entitled An Act relating to the qualifications of and training and continuing education for certain officials and personnel of career schools or colleges.

HB 2333 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2296 ON THIRD READING**(by R. Cook)**

HB 2296, A bill to be entitled An Act relating to the reduction of a state jail felony prosecution to a misdemeanor prosecution.

HB 2296 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown recorded voting no.)

HB 2275 ON THIRD READING**(by B. Cook)**

HB 2275, A bill to be entitled An Act relating to the forfeiture of certain contraband used in the commission of certain felony intoxication offenses.

HB 2275 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2208 ON THIRD READING**(by Phillips)**

HB 2208, A bill to be entitled An Act relating to the creation of a cultural and fine arts district program by the Texas Commission on the Arts.

HB 2208 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2137 ON THIRD READING**(by Phillips)**

HB 2137, A bill to be entitled An Act relating to the construction or improvement of buildings by the Texas Department of Transportation.

Representative Phillips moved to postpone consideration of **HB 2137** until the end of today's calendar.

The motion prevailed.

HB 2423 ON THIRD READING**(by Puente)**

HB 2423, A bill to be entitled An Act relating to discrimination by a groundwater conservation district against landowners whose land is enrolled or participating in a federal conservation program.

HB 2423 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2661 ON THIRD READING
(by Krusee)

HB 2661, A bill to be entitled An Act relating to the use of competitive sealed proposals for certain construction projects.

HB 2661 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

The following bills were laid before the house and read third time:

SB 187 ON THIRD READING
(Rose, Naishtat, and J. Davis - House Sponsors)

SB 187, A bill to be entitled An Act relating to permissible uses of money in the comprehensive rehabilitation fund.

SB 187 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 566 ON THIRD READING
(Delisi - House Sponsor)

SB 566, A bill to be entitled An Act relating to a Medicaid buy-in program for employed persons with disabilities.

SB 566 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown and B. Keffer recorded voting no.)

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 2833 ON SECOND READING
(by R. Cook and B. Cook)

CSHB 2833, A bill to be entitled An Act relating to the protection of private real property from regulatory takings.

CSHB 2833 - POINT OF ORDER

Representative Rodriguez raised a point of order against further consideration of **CSHB 2833** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are inaccurate.

The chair sustained the point of order.

The ruling precluded further consideration of **CSHB 2833**.

HB 2840 ON SECOND READING
(by Chisum)

HB 2840, A bill to be entitled An Act relating to the regulation of dogs; establishing a defense to prosecution; limiting liability.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 2840**:

Amend **HB 2840** on page 2, line 9, between "kept" and the period, by inserting the following:
that is not in response to:

(A) the dog being tormented, abused, or assaulted by the person whom the dog attacked;

(B) pain or injury; or

(C) an assault or attempted assault on another person by the person whom the dog attacked

Amendment No. 1 was adopted.

Amendment No. 2

Representative Chisum offered the following amendment to **HB 2840**:

Amend **HB 2840** as follows:

(1) On page 2, lines 10-11, strike "Subsections (e) and (f), Section 822.003, Health and Safety Code, are amended to read as follows" and substitute "Section 822.003(f), Health and Safety Code, is amended to read as follows".

(2) Strike page 2, lines 12 through 20.

Amendment No. 2 was adopted.

HB 2840 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RODRIGUEZ: Mr. Chisum, I have a question on the first page where it says "unprovoked attack." How would you define that? That couldn't be defined, and this is kind of a serious question. I know you don't mean it this way, but I want to know for the record that you don't; if I am walking my dog on a leash and they just instinctively jump after someone, could that be considered an attack? An unprovoked attack? If there was no skin broken?

REPRESENTATIVE CHISUM: If you have your dog on your leash, and it just jumped out at someone, that is not the dog we are after here. We are after the dog that is attacking someone, unprovoked, but we aren't talking about dogs that are on leashes.

RODRIGUEZ: So if a dog was on a leash, and did do that, and actually maybe broke the skin a little bit, this wouldn't really apply to that?

CHISUM: No, it wouldn't.

REMARKS ORDERED PRINTED

Representative Rodriguez moved to print remarks between Representative Chisum and Representative Rodriguez.

The motion prevailed.

HB 2840 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FARRAR: Warren, we had worked this out in committee, that I had some concerns about whether someone came into your yard which was secured, and your dog was in, would this affect that situation? Because I've noticed that you have struck several paragraphs, and we had accepted it all.

REPRESENTATIVE CHISUM: Yeah, and those are the paragraphs you and I talked about, and we came up with this bill that if your dog is in your yard and he attacks you—if the dog was in his own habitat—than you are not liable for the attack.

FARRAR: Right, I am having trouble hearing you, but making sure that I understand. If your dog is in your yard, secured in a fence—behind a fence, and someone comes in for whatever reasons and your dog reacts by attacking, does that—are they protected under that bill?

CHISUM: Yes, that dog is in its own place, and it's as secured as they should be. And if someone comes in, then you are not liable, and they cannot use any offense against the dog.

REMARKS ORDERED PRINTED

Representative Farrar moved to print remarks between Representative Chisum and Representative Farrar.

The motion prevailed.

HB 2840, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Castro on motion of Chavez.

**HB 2930 ON SECOND READING
(by Deshotel)**

HB 2930, A bill to be entitled An Act relating to an age limitation on children engaged in the performance of duties related to a paper route.

Amendment No. 1

Representative Deshotel offered the following amendment to **HB 2930**:

Amend **HB 2930**, on page 1, by striking lines 10 and 11 and substituting the following:

(3) "Delivery of newspapers" means the distribution of newspapers on or the maintenance of a newspaper route. The term does not include direct sales of newspapers to the general public.

Amendment No. 1 was adopted.

HB 2930, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Hegar in the chair)

HB 3235 ON SECOND READING

(by Uresti)

HB 3235, A bill to be entitled An Act relating to providing interpreter services to certain recipients of medical assistance or their parents or guardians.

HB 3235 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1546 ON SECOND READING

(by McClendon, Krusee, Herrero, Hamric, Guillen, et al.)

CSHB 1546, A bill to be entitled An Act relating to the administration and use of the Texas rail relocation and improvement fund and the issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of certain rail facilities.

CSHB 1546 was read second time on April 20, postponed until April 25, amended, and was again postponed until the end of that day's calendar.

Amendment No. 2

Representative Y. Davis offered the following amendment to **CSHB 1546**:

Amend **CSHB 1546** (committee printing) on page 4, between lines 23 and 24, by inserting:

(d-1) Proceeds of obligations may not be used to relocate an existing rail line unless the governing bodies of a majority of the total number of counties and municipalities in which the relocated rail line will be located have first approved the relocation.

AMENDMENT NO. 2 - DEBATE

REPRESENTATIVE MADDEN: Yvonne, I have a situation. Obviously, in my district, where the rail line is actually right on the city boundaries and runs along the boundaries between two cities totally, what impact would this require on any obligations? Would those two cities have to agree at this time?

REPRESENTATIVE Y. DAVIS: No, the goal is they would agree to work with the state, and I think that this is a good thing. This is not to create an adversarial role, Jerry.

REMARKS ORDERED PRINTED

Representative Madden moved to print remarks between Representative Y. Davis and Representative Madden.

The motion prevailed.

A record vote was requested.

Amendment No. 2 was adopted by (Record 412): 130 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Baxter; Berman; Blake; Bonnen; Branch; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Edwards; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Bohac; Brown, B.; Keel; King, P.; Krusee; Miller; Talton.

Present, not voting — Mr. Speaker; Hegar(C).

Absent, Excused — Castro; Dukes; Pitts; Taylor.

Absent — Anderson; Eiland; Flores; Gattis; Hodge; Nixon; Turner.

STATEMENT OF VOTE

When Record No. 412 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of appropriations business:

Kolkhorst on motion of Solomons.

Turner on motion of Solomons.

CSHB 1546 - (consideration continued)**Amendment No. 3**

Representative T. King offered the following amendment to **CSHB 1546**:

Amend **CSHB 1546** (committee printing) on page 4, between lines 23 and 24, by inserting:

(d-1) The fund may also be used to provide a method of financing the construction of railroad underpasses and overpasses, if the construction is part of the relocation of a rail facility.

Amendment No. 3 was adopted.

CSHB 1546, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 371 ON SECOND READING

(by Farabee and Campbell)

CSHB 371, A bill to be entitled An Act relating to liquidated damages for violating certain requirements relating to executory contracts for the conveyance of certain real property.

CSHB 371 was read second time on April 25, amendments were offered, and was then postponed until the end of that day's calendar.

(Speaker in the chair)

Representative Farabee moved to postpone consideration of **CSHB 371** until the end of today's calendar.

The motion prevailed.

CSHB 1747 ON SECOND READING

(by J. Keffer, Frost, and B. Cook)

CSHB 1747, A bill to be entitled An Act relating to the creation of and funding for the Texas Entrepreneurship Network.

CSHB 1747 was read second time on April 25 and was postponed until the end of that day's calendar.

Amendment No. 1

Representatives Olivo and J. Keffer offered the following amendment to **CSHB 1747**:

Amend **CSHB 1747** on page 2, by striking lines 17 and 18 and substituting:

(7) the Texas Center for Rural Entrepreneurship;

(8) the Texas Economic Development Council;

(9) CoSERVE at The University of Texas–Pan American; and

(10) the office of external affairs at Texas Southern University.

Amendment No. 1 was adopted.

CSHB 1747, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Phillips in the chair)

CSHB 316 ON SECOND READING
(by Grusendorf, Oliveira, Escobar, and Gattis)

CSHB 316, A bill to be entitled An Act relating to a child's failure to attend school.

(Speaker in the chair)

Amendment No. 1

Representative Farrar offered the following amendment to **CSHB 316**:

On page 3, amend lines 19-20 of **CSHB 316** to read as follows:

(2) require the parent to attend in person or by telephone [request] a conference between school officials and the parent to:

Amendment No. 1 was adopted.

Amendment No. 2

Representative Pickett offered the following amendment to **CSHB 316**:

Amend **CSHB 316** as follows:

(1) On page 1, line 5, before "adding", insert "amending Subsections (a) and (b) and".

(2) On page 1, between lines 5 and 6, insert the following:

(a) A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:

(1) to investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;

(2) to enforce compulsory school attendance requirements by:

(A) referring a student to a juvenile court or filing a complaint against a student in a district, county, justice, or municipal court if the student has unexcused absences for the amount of time specified under Section 25.094 or under Section 51.03(b)(2), Family Code; and

(B) filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;

(3) to serve court-ordered legal process;

(4) to review school attendance records for compliance by each student investigated by the officer;

(5) to maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board of trustees of a school district, or the commissioner, to provide a record to the individual or entity requesting the record;

(6) to make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a student required under this subchapter to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent; and

(7) to take a student into custody with the permission of the student's parent or in obedience to a court-ordered legal process.

(3) On page 1, line 12, between "a" and "county", insert "district".

(4) On page 2, between lines 4 and 5, insert the following:

(b) An attendance officer employed by a school district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:

(1) to investigate each case of a violation of the compulsory school attendance requirements referred to the attendance officer;

(2) to enforce compulsory school attendance requirements by:

(A) referring a student to a juvenile court or filing a complaint against a student in a district county, justice, or municipal court if the student has unexcused absences for the amount of time specified under Section 25.094 or under Section 51.03(b)(2), Family Code; and

(B) filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;

(3) to monitor school attendance compliance by each student investigated by the officer;

(4) to maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board of trustees of a school district, or the commissioner, to provide a record to the individual or entity requesting the record;

(5) to make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the attendance officer may not enter a residence without permission of the parent or of the owner or tenant of the residence;

(6) at the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements; and

(7) if the attendance officer has or is informed of a court-ordered legal process directing that a student be taken into custody and the school district employing the officer does not employ its own police department, to contact the sheriff, constable, or any peace officer to request that the student be taken into custody and processed according to the legal process.

(5) On page 2, line 12, strike "Section 25.094(a), Education Code, is" and substitute "Sections 25.094(a), (b), (c), (d), and (d-1), Education Code, are".

(6) On page 2, between lines 20 and 21, insert the following:

(b) An offense under this section may be prosecuted in:

(1) the constitutional county court of the county in which the individual resides or in which the school is located, if the county has a population of two million or more;

(2) a justice court of any precinct in the county in which the individual resides or in which the school is located; ~~or~~

(3) a municipal court in the municipality in which the individual resides or in which the school is located; or

(4) a district court for the county in which the student resides or in which the school is located.

(c) On a finding by the district, county, justice, or municipal court that the individual has committed an offense under Subsection (a) or on a finding by a juvenile court in a county with a population of less than 100,000 that the individual has engaged in conduct that violates Subsection (a), the court may enter an order that includes one or more of the requirements listed in Article 45.054, Code of Criminal Procedure~~[-as added by Chapter 1514, Acts of the 77th Legislature, Regular Session, 2001].~~

(d) If the district, county, justice, or municipal court believes that a child has violated an order issued under Subsection (c), the court may proceed as authorized by Article 45.050, Code of Criminal Procedure.

(d-1) Pursuant to an order of the district, county, justice, or municipal court based on an affidavit showing probable cause to believe that an individual has committed an offense under this section, a peace officer may take the individual into custody. A peace officer taking an individual into custody under this subsection shall:

(1) promptly notify the individual's parent, guardian, or custodian of the officer's action and the reason for that action; and

(2) without unnecessary delay:

(A) release the individual to the individual's parent, guardian, or custodian or to another responsible adult, if the person promises to bring the individual to the district, county, justice, or municipal court as requested by the court; or

(B) bring the individual to a district, county, justice, or municipal court with venue over the offense.

(7) On page 4, line 17, between "in a" and "county", insert "district".

(8) On page 5, line 3, between "in a" and "county", insert "district".

(9) Add the following appropriately numbered sections to the bill and renumber the subsequent sections accordingly:

SECTION __. The heading to Section 54.021, Family Code, is amended to read as follows:

Sec. 54.021. DISTRICT, COUNTY, JUSTICE, OR MUNICIPAL COURT: TRUANCY.

SECTION __. Sections 54.021(a), (b), and (c), Family Code, are amended to read as follows:

(a) The juvenile court may waive its exclusive original jurisdiction and transfer a child to the constitutional county court, if the county has a population of two million or more, or to an appropriate district, justice, or municipal court,

with the permission of the district, county, justice, or municipal court, for disposition in the manner provided by Subsection (b) if the child is alleged to have engaged in conduct described in Section 51.03(b)(2). A waiver of jurisdiction under this subsection may be for an individual case or for all cases in which a child is alleged to have engaged in conduct described in Section 51.03(b)(2). The waiver of a juvenile court's exclusive original jurisdiction for all cases in which a child is alleged to have engaged in conduct described in Section 51.03(b)(2) is effective for a period of one year.

(b) A district, county, justice, or municipal court may exercise jurisdiction over a person alleged to have engaged in conduct indicating a need for supervision by engaging in conduct described in Section 51.03(b)(2) in a case where:

(1) the juvenile court has waived its original jurisdiction under this section; and

(2) a complaint is filed by the appropriate authority in the district, county, justice, or municipal court charging an offense under Section 25.094, Education Code.

(c) A proceeding in a district, county, justice, or municipal court on a complaint charging an offense under Section 25.094, Education Code, is governed by Chapter 45, Code of Criminal Procedure.

SECTION __. Sections 54.04(o) and (u), Family Code, are amended to read as follows:

(o) In a disposition under this title:

(1) a status offender may not, under any circumstances, be committed to the Texas Youth Commission for engaging in conduct that would not, under state or local law, be a crime if committed by an adult;

(2) a status offender may not, under any circumstances other than as provided under Subsection (n), be placed in a post-adjudication secure correctional facility; and

(3) a child adjudicated for contempt of a district, county, justice, or municipal court order may not, under any circumstances, be placed in a post-adjudication secure correctional facility or committed to the Texas Youth Commission for that conduct.

(u) For the purposes of disposition under Subsection (d)(2), delinquent conduct that violates a penal law of this state of the grade of felony or misdemeanor does not include conduct that violates a lawful order of a district, county, municipal, justice, or juvenile court under circumstances that would constitute contempt of that court.

SECTION __. Article 45.054(a), Code of Criminal Procedure, is amended to read as follows:

(a) On a finding by a district, county, justice, or municipal court that an individual has committed an offense under Section 25.094, Education Code, the court has jurisdiction to enter an order that includes one or more of the following provisions requiring that:

(1) the individual:

(A) attend school without unexcused absences;

(B) attend a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code, if the court determines that the individual is too old to do well in a formal classroom environment; or

(C) if the individual is at least 16 years of age, take the high school equivalency examination administered under Section 7.111, Education Code;

(2) the individual attend a special program that the court determines to be in the best interest of the individual, including:

(A) an alcohol and drug abuse program;

(B) a rehabilitation program;

(C) a counseling program, including self-improvement counseling;

(D) a program that provides training in self-esteem and leadership;

(E) a work and job skills training program;

(F) a program that provides training in parenting, including parental responsibility;

(G) a program that provides training in manners;

(H) a program that provides training in violence avoidance;

(I) a program that provides sensitivity training; and

(J) a program that provides training in advocacy and mentoring;

(3) the individual and the individual's parent attend a class for students at risk of dropping out of school designed for both the individual and the individual's parent;

(4) the individual complete reasonable community service requirements; or

(5) for the total number of hours ordered by the court, the individual participate in a tutorial program covering the academic subjects in which the student is enrolled provided by the school the individual attends.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Gattis offered the following amendment to **CSHB 316**:

Amend **CSHB 316** as follows:

(1) On page 2, strike lines 12 and 13 and substitute the following:

SECTION 3. Section 25.094, Education Code, is amended by amending Subsection (a) and adding Subsection (e-1) to read as follows:

(2) On page 2, between lines 20 and 21, insert the following:

(e-1) Each day of a violation under this section may constitute a separate offense.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Gattis offered the following amendment to **CSHB 316**:

Amend **CSHB 316** by adding the following appropriately numbered sections to the bill and renumbering the subsequent sections accordingly:

SECTION __. Article 45.057(c), Code of Criminal Procedure, is amended to read as follows:

(c) The justice or municipal court may order the parent, managing conservator, or guardian of a child required to attend a program under Subsection (b) to pay an amount not greater than \$350 [~~\$100~~] to pay for the costs of the program.

SECTION __. Section 103.022, Government Code, is amended to read as follows:

Sec. 103.022. MISCELLANEOUS FEES AND COSTS. The following fees and costs shall be paid or collected as follows:

(1) fee for use of an interpreter in civil cases (Sec. 21.051, Civil Practice and Remedies Code) . . . \$3;

(2) fee for custodian of a record compelled by a court to produce or certify the record (Sec. 22.004, Civil Practice and Remedies Code) . . . \$1;

(3) cost for use of certified copy of the record of names of all trustees appointed by any state organization of a religious congregation in this state (Sec. 126.012, Civil Practice and Remedies Code) . . . \$1.50;

(4) filing of a restitution lien (Art. 42.22, Code of Criminal Procedure) . . . \$5;

(5) issuance and service of a warrant of arrest for certain offenses if prescribed by the municipality (Art. 45.203, Code of Criminal Procedure) . . . not to exceed \$25;

(6) filing a certified copy of a judicial finding of fact and conclusion of law if charged by the secretary of state (Sec. 51.905, Government Code) . . . \$15;

(7) costs of determining and sending information concerning the identity of the court with continuing, exclusive jurisdiction if charged by the bureau of vital statistics (Sec. 108.006, Family Code) . . . reasonable fee;

(8) initial operations fee paid to domestic relations office on filing of a suit affecting the parent-child relationship, if authorized by the administering entity (Sec. 203.005, Family Code) . . . not to exceed \$15;

(9) initial child support service fee paid to domestic relations office in certain counties on filing of a suit affecting the parent-child relationship, if authorized by the administering entity (Sec. 203.005, Family Code) . . . not to exceed \$36;

(10) service fee for services of a domestic relations office, if authorized by the administering entity (Sec. 203.005, Family Code) . . . not to exceed \$3 per month;

(11) fee from a Title IV-D agency for each item of process to each individual on whom service is required, including service by certified or registered mail (Sec. 231.202, Family Code) . . . the amount that a sheriff or constable may charge for serving process under Section 118.131, Local Government Code;

(12) a copy of records of spousal or child support and fees administered in Dallas County if authorized by the local administrative judge (Sec. 152.0634, Human Resources Code) . . . not to exceed \$2 per page;

(13) collecting, disbursing, or monitoring spousal or child support payments in Dallas County (Sec. 152.0635, Human Resources Code) . . . not to exceed \$3 per month;

(14) fee for adoption, family, and home study investigations in an adoption in Dallas County (Sec. 152.0635, Human Resources Code) . . . not to exceed \$250;

(15) certain transactions with respect to a suit for spousal support or a suit affecting the parent-child relationship in Harris County, if authorized by the county commissioners court (Sec. 152.1074, Human Resources Code) . . . not to exceed \$2 per transaction;

(16) child support service fee in Nueces County, if authorized by the county commissioners court (Sec. 152.1844, Human Resources Code) . . . not to exceed \$5 per month;

(17) services by the offices of the sheriff and constables (Sec. 118.131, Local Government Code) . . . amount set by county commissioners court;

(18) cost paid by each surety posting the bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, for the felony prosecutor supplement fund and the fair defense account (Sec. 41.258, Government Code) . . . \$15, provided the cost does not exceed \$30 for all bail bonds posted at that time for an individual and the cost is not required on the posting of a personal or cash bond;

(19) appraiser's fee as court costs for determining the fair value of ownership interests of owners who have perfected their rights (Sec. 10.365, Business Organizations Code) . . . a reasonable fee; ~~and~~

(20) to participate in a court proceeding in this state, a nonresident attorney fee for civil legal services to the indigent (Sec. 82.0361, Government Code) . . . \$250 except as waived or reduced under supreme court rules for representing an indigent person; and

(21) costs of participating in a program on order of a justice or municipal court (Art. 45.057, Code of Criminal Procedure) . . . not to exceed \$350.

Amendment No. 4 was adopted.

Amendment No. 5

Representative T. Smith offered the following amendment to **CSHB 316**:

Amend **CSHB 316** by adding the following appropriately numbered sections to the bill and renumbering the subsequent sections accordingly:

SECTION __. Sections 29.0821(b) and (c), Education Code, are amended to read as follows:

(b) To enable a school district to provide additional instructional days for a program under this section, with the approval of the commissioner, a school district may [±

~~[(1) provide a number of days of instruction during the regular school year that is not more than 10 days fewer than the number required under Section 25.081(a); and~~

~~[(2)]~~ use for instructional purposes not more than five days that would otherwise be used for staff development or teacher preparation.

(c) Notwithstanding any reduction ~~[in the number of instructional days in the regular school year or]~~ in the number of staff development days, each educator employed under a 10-month contract must provide the minimum days of service required under Section 21.401.

SECTION ___. Section 25.081(a), Education Code, is amended to read as follows:

(a) Except as authorized under Subsection (b) of this section or ~~[§]~~ Section 25.084, ~~[or Section 29.0821,]~~ for each school year each school district must operate so that the district provides for at least 180 days of instruction for students.

SECTION ___. Section 42.005(a), Education Code, is amended to read as follows:

(a) In this chapter, average daily attendance is ~~[+]~~ $\frac{[(1)] \text{ the quotient of the sum of attendance for each day of the minimum number of days of instruction as described under Section 25.081(a) divided by the minimum number of days of instruction } [5 \text{ or}]$

~~[(2) for a district that operates under a flexible year program under Section 29.0821, the quotient of the sum of attendance for each actual day of instruction as permitted by Section 29.0821 (b) (1) divided by the number of actual days of instruction as permitted by Section 29.0821(b) (1)].~~

Amendment No. 5 was adopted.

Amendment No. 6

Representative Grusendorf offered the following amendment to **CSHB 316**:

Amend **CSHB 316** as follows:

(1) Add the following appropriately numbered section to the bill and renumber the subsequent sections accordingly:

SECTION ___. Section 51.08, Family Code, is amended by adding Subsection (e) to read as follows:

(e) A juvenile court may not refuse to accept the transfer of a case brought under Section 25.094, Education Code, for a child described by Subsection (b)(1) if a prosecuting attorney for the court determines under Section 53.012 that the case is legally sufficient under Section 53.01 for adjudication in juvenile court.

(2) On page 7, line 10, strike "The change" and substitute "(a) Except as provided by Subsection (b) of this section, the change".

(3) On page 7, line 14, strike "section" and substitute "subsection".

(4) On page 7, between lines 16 and 17, insert the following:

(b) Section 51.08, Family Code, as amended by this Act, applies only to the transfer of a case to juvenile court that occurs on or after the effective date of this Act. A transfer that occurs before the effective date of this Act is governed by the law in effect when the transfer occurred, and the former law is continued in effect for that purpose.

Amendment No. 6 was adopted.

CSHB 316, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 481 ON SECOND READING

(by Hochberg)

HB 481, A bill to be entitled An Act relating to the eligibility for partial unemployment benefits of certain persons with disabilities who have been discharged from partial employment.

Amendment No. 1

Representative Hochberg offered the following amendment to **HB 481**:

Amend **HB 481** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 207, Labor Code, is amended by adding Section 201.0211 to read as follows:

Sec. 201.0211. ELIGIBILITY OF CERTAIN DISABLED PERSONS. A permanently disabled individual is considered to be able to work under Section 207.021(a)(3) and available for work for purposes of Section 207.021(a)(4) if, as a result of the individual's disability, the individual:

(1) is unable to work full-time;

(2) has worked part-time during a substantial part of the individual's base period;

(3) is seeking part-time work consistent with the limitations imposed by the individual's disability; and

(4) is receiving disability insurance benefits under 42 U.S.C. Section 423.

SECTION 2. The change in law made by this Act applies only to a claim for unemployment compensation benefits that is filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before that date is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

(Woolley in the chair)

Amendment No. 1 was adopted.

HB 481, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 578 ON SECOND READING
(by Campbell)

CSHB 578, A bill to be entitled An Act relating to the inclusion in a regional water plan of information regarding water infrastructure facilities that may be used in an emergency shortage of water.

CSHB 578 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 603 ON SECOND READING
(by Eissler, Grusendorf, Olivo, and Hegar)

CSHB 603, A bill to be entitled An Act relating to the expulsion of a public school student for using, exhibiting, or possessing a weapon.

Amendment No. 1

Representatives Eissler, Olivo, and Grusendorf offered the following amendment to **CSHB 603**:

Amend **CSHB 603** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 37.001, Education Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify whether consideration is given, ~~[to self-defense]~~ as a factor in a decision to order suspension, removal to a disciplinary alternative education program, or expulsion, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct; or

(C) a student's disciplinary history;

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007; and

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion.

(e) Except as provided by Section 37.007(e), this subchapter does not require the student code of conduct to specify a minimum term of a removal under Section 37.006 or an expulsion under Section 37.007.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

(Harper-Brown in the chair)

Amendment No. 2

Representative Eissler offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 to **CSHB 603** as follows:

(1) In proposed Section 37.001 (a) (4) (B), Education Code, strike "or" and substitute ";".

(2) In proposed Section 37.001 (a) (4) (C), Education Code, strike ";" and substitute "; or".

(3) Immediately following proposed Section 37.001 (a) (4) (C), Education Code, insert the following:

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

CSHB 603, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

MOTION TO CONFORM CAPTION

Representative Eissler moved to conform the caption of **CSHB 603** to the body of the bill.

The motion prevailed.

(Speaker in the chair)

CSHB 818 ON SECOND READING

(by Phillips)

CSHB 818, A bill to be entitled An Act relating to the procedure for rendering certain property for ad valorem taxation if the information contained in the most recently filed rendition statement continues to be accurate.

CSHB 818 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 904 ON SECOND READING

(by Gattis)

CSHB 904, A bill to be entitled An Act relating to the sentencing of defendants convicted of multiple counts of intoxication assault, improper photography or visual recording, or possession or promotion of child pornography.

CSHB 904 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Thompson recorded voting no.)

CSHB 920 ON SECOND READING

(by Uresti, Hupp, Reyna, Solis, Naishtat, et al.)

CSHB 920, A bill to be entitled An Act relating to protective and guardianship services for elderly and disabled persons.

(Elkins in the chair)

Representative Uresti moved to postpone consideration of **CSHB 920** until 10 a.m. April 28.

The motion prevailed.

(Speaker in the chair)

CSHB 1038 ON SECOND READING

(by Isett)

CSHB 1038, A bill to be entitled An Act relating to certain reduced fees for a license to carry a concealed handgun.

CSHB 1038 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

CSHB 1059 ON SECOND READING

(by Naishtat)

CSHB 1059, A bill to be entitled An Act relating to the enforcement of certain protective orders.

CSHB 1059 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1081 ON SECOND READING
(by Driver)

CSHB 1081, A bill to be entitled An Act relating to suspension or denial of a driver's license for failure to appear, pay a fine, or satisfy a judgment.

(Dutton in the chair)

HB 1603 & HB 3288 - RECOMMITTED

Representative Mowery moved to recommit **HB 1603** and **HB 3288** to the Committee on Land and Resource Management.

The motion prevailed.

CSHB 1081 - (consideration continued)

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 1081**:

Amend **CSHB 1081** on page 1, line 21, between "must" and "contain" by inserting "be personally served on the individual and".

(B. Cook in the chair)

Amendment No. 1 was adopted.

(Speaker in the chair)

Representative Driver moved to postpone consideration of **CSHB 1081** until 10 a.m. May 4.

The motion prevailed.

SB 1014 ON SECOND READING
(Goodman - House Sponsor)

SB 1014, A bill to be entitled An Act relating to records on appeal in municipal courts of record.

SB 1014 was considered in lieu of **HB 1157**.

SB 1014 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1157 - LAID ON THE TABLE SUBJECT TO CALL

Representative Goodman moved to lay **HB 1157** on the table subject to call.

The motion prevailed.

HB 1229 ON SECOND READING
(by Hilderbran)

HB 1229, A bill to be entitled An Act relating to the powers, duties, and directors of the Menard County Underground Water District and the directors of the Menard County Water Control and Improvement District No. 1.

HB 1229 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1357 ON SECOND READING
(by Flores)

HB 1357, A bill to be entitled An Act relating to the civil consequences of certain alcohol-related offenses.

HB 1357 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1578 ON SECOND READING
(by Goolsby)

HB 1578, A bill to be entitled An Act relating to the authority of a landlord to charge a tenant to rekey security devices in certain circumstances.

(Taylor now present)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of appropriations business:

Gattis on motion of Solomons.

HB 1578 - (consideration continued)

HB 1578 failed to pass to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have opposed passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSHB 1609 ON SECOND READING
(by Chisum)

CSHB 1609, A bill to be entitled An Act relating to the allowed wastes and exemptions applicable to certain municipal solid waste landfill units in arid areas.

CSHB 1609 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1701 ON SECOND READING
(by Keel)

CSHB 1701, A bill to be entitled An Act relating to the defense of indigent persons accused of a criminal offense.

Amendment No. 1

Representative Keel offered the following amendment to **CSHB 1701**:

Amend **CSHB 1701** as follows:

- (1) On page 6, line 7, strike "criminal" and substitute "capital".
- (2) On page 7, line 5, between "case" and the colon, insert the following:
"or an attorney appointed as lead appellate counsel in the direct appeal of a death penalty case".
- (3) On page 7, line 12, strike "criminal" and substitute "capital".
- (4) On page 8, strike lines 1-5 and renumber the existing subdivisions of Article 26.052(d), Code of Criminal Procedure, accordingly.

Amendment No. 1 was adopted.

CSHB 1701, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1737 ON SECOND READING
(by Flores)

HB 1737, A bill to be entitled An Act relating to the establishment of a dual usage educational complex by a junior college district and other political subdivisions or institutions of higher education.

HB 1737 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1771 ON SECOND READING
(by Delisi, Hill, McReynolds, Coleman, Truitt, et al.)

CSHB 1771, A bill to be entitled An Act relating to the Medicaid managed care delivery system.

CSHB 1771 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: J. Davis recorded voting no.)

CSHB 1835 ON SECOND READING
(by Talton)

CSHB 1835, A bill to be entitled An Act relating to the apportionment of municipal infrastructure costs in regard to certain property development projects.

(Geren in the chair)

Amendment No. 1

Representative Talton offered the following amendment to **CSHB 1835**:

Amend **CSHB 1835** on page 2, line 18, by striking "(2)" and substituting "(3)".

Amendment No. 1 was adopted.

CSHB 1835, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 481 ON SECOND READING
(Keel and Bailey - House Sponsors)

SB 481, A bill to be entitled An Act relating to creating an offense for the unauthorized operation of a recording device in a motion picture theater.

SB 481 was considered in lieu of **HB 1871**.

Amendment No. 1 (Committee Amendment No. 1)

Representative Keel offered the following committee amendment to **SB 481**:

Amend **SB 481** (senate engrossment) as follows:

(1) On page 1, line 16, between "the person" and "knowingly", insert ", with the intent to record a motion picture,".

(2) On page 1, line 18, strike "a motion picture" and substitute "the motion picture".

Amendment No. 1 was adopted.

SB 481, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1871 - LAID ON THE TABLE SUBJECT TO CALL

Representative Keel moved to lay **HB 1871** on the table subject to call.

The motion prevailed.

CSHB 1965 ON SECOND READING
(by Hartnett)

CSHB 1965, A bill to be entitled An Act relating to the grounds for a divorce and the division of property in a decree of divorce.

Amendment No. 1

Representative Goodman offered the following amendment to **CSHB 1965**:

Amend **CSHB 1965** on page 1, by striking lines 15-23, and substituting the following:

Sec. 7.001. GENERAL RULE OF PROPERTY DIVISION. In a decree of divorce or annulment, the court shall order a division of the estate of the spouses [~~parties~~] in a manner that the court deems just and right, having due regard for the rights of each spouse [~~party~~] and any children of the marriage. The court shall consider any fault of the spouses in dividing the estate of the spouses.

Amendment No. 1 was adopted.

CSHB 1965, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2161 ON SECOND READING **(by West)**

HB 2161, A bill to be entitled An Act relating to the power of the Railroad Commission of Texas to adopt and enforce safety standards and practices applicable to the transportation by pipeline of certain substances and to certain pipeline facilities; imposing an administrative penalty.

Amendment No. 1

Representative West offered the following amendment to **HB 2161**:

Amend **HB 2161** (committee printing) as follows:

(1) On page 1, strike lines 7 and 8 and substitute the following:

SECTION 1. Section 121.201, Utilities Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(2) On page 1, line 12, between "including" and "safety", insert "reasonable".

(3) On page 1, line 14, between "facility" and the semicolon, insert ", other than movement by tillage that does not exceed a depth of 16 inches".

(4) On page 2, between lines 14 and 15, insert the following:

(d) In this subsection, "telecommunications service" and "information service" have the meanings assigned by 47 U.S.C. Section 153. Notwithstanding Subsection (a), this title does not grant the railroad commission jurisdiction or right-of-way management authority over a provider of telecommunications service or information service. A provider of telecommunications service or information service shall comply with all applicable safety standards, including those provided by Subchapter G, Chapter 756, Health and Safety Code.

(5) On page 3, strike lines 16 and 17 and substitute the following:

SECTION 3. Section 117.012, Natural Resources Code, is amended by amending Subsection (a) and adding Subsection (n) to read as follows:

(6) On page 3, line 22, between "including" and "safety", insert "reasonable".

(7) On page 3, line 24, between "facility" and the period, insert ", other than movement by tillage that does not exceed a depth of 16 inches".

(8) On page 3, between lines 24 and 25, insert the following:

(n) In this subsection, "telecommunications service" and "information service" have the meanings assigned by 47 U.S.C. Section 153. Notwithstanding Subsection (a), this title does not grant the commission jurisdiction or right-of-way management authority over a provider of telecommunications service or information service. A provider of telecommunications service or information service shall comply with all applicable safety standards, including those provided by Subchapter G, Chapter 756, Health and Safety Code.

(9) On page 3, between lines 24 and 25, insert the following appropriately numbered section and renumber the subsequent sections of the bill accordingly:

SECTION __. The Railroad Commission of Texas may not adopt safety standards under Section 121.201(a), Utilities Code, or Section 117.012(a), Natural Resources Code, as amended by this Act, until the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation adopts the rules published at 69 Fed. Reg. 35279 (2004) (to be codified at 49 C.F.R. Parts 192 and 195) (proposed June 3, 2004) or other rules pertaining to public education programs for hazardous liquid and gas pipeline operators.

AMENDMENT NO. 1 - DEBATE

REPRESENTATIVE SOLOMONS: Buddy, you know I have an amendment on this. I just want to clarify what this amendment really does, in essence. It's my understanding that your amendment clarifies that the railroad commission does not have general jurisdiction over telecom companies, cable companies regarding right-of-way issues. Is that correct?

REPRESENTATIVE WEST: Yes, sir, it is.

SOLOMONS: But the telecom and cable companies—all the companies that are defined in your amendment are still required with all the safety standards, including current provisions of the Health and Safety Code. Is that correct?

WEST: Yes, sir. They're all required for the same safety.

SOLOMONS: Okay, because of the issue about the safety standards, is it your intent that the telecom and cable companies follow the railroad commission safety standards, and the railroad commission can actually enforce the safety standards they are going to adopt?

WEST: That is correct.

(Speaker in the chair)

REMARKS ORDERED PRINTED

Representative Solomons moved to print remarks between Representative West and Representative Solomons.

The motion prevailed.

Amendment No. 2

Representative Solomons offered the following amendment to Amendment No. 1:

Amend the West Amendment to **HB 2161** as follows:

- (1) Strike Item 2 (page 1, lines 7-8) of the amendment.
- (2) Strike Item 6 (page 1, lines 28-29) of the amendment.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

HB 2161, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2236 ON SECOND READING
(by Baxter and Seaman)

CSHB 2236, A bill to be entitled An Act relating to restrictions on the imposition of permit fees by political subdivisions.

Amendment No. 1

Representative Baxter offered the following amendment to **CSHB 2236**:

Amend **CSHB 2236** on page 1, line 24, between "groundwater district" and the period, by inserting "or other district or authority created under Section 59, Article XVI, Texas Constitution".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Baxter offered the following amendment to **CSHB 2236**:

Amend **CSHB 2236** as follows:

- (1) On page 4, line 4, strike "or".
- (2) On page 4, line 5, between "issuing" and "the", insert ", or enforcing".
- (3) On page 4, line 5, between "permit" and the period, insert "or to compensate the regulatory agency for the actual and attributable costs of infrastructure or improvements for which the fee is imposed".

Amendment No. 2 was adopted.

CSHB 2236, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

HB 2294 ON SECOND READING
(by R. Cook)

HB 2294, A bill to be entitled An Act relating to the venue for certain crimes regarding misapplication of property.

Amendment No. 1

Representative R. Cook offered the following amendment to **HB 2294**:

Amend **HB 2294** (house committee report) as follows:

- (1) On page 1, line 10, strike "either".
- (2) On page 1, line 11, between "property" and "in", strike "or" and substitute a comma.
- (3) On page 1, line 12, between "property" and the period, insert ", or, as applicable, in the county in which the fiduciary was appointed to serve".

Amendment No. 1 was adopted.

HB 2294, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2485 ON SECOND READING

(by Goodman)

HB 2485, A bill to be entitled An Act relating to the period of time during which a person may be supervised in a pretrial intervention program and the fee that may be charged for the program.

Representative Goodman moved to postpone consideration of **HB 2485** until 10 a.m. May 4.

The motion prevailed.

HB 2679 ON SECOND READING

(by Phillips)

HB 2679, A bill to be entitled An Act relating to the development of a regional water supply reservoir project at a site known as Lower Bois d'Arc Creek in Fannin County, Texas.

HB 2679 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

HB 2784 ON SECOND READING

(by Wong, et al.)

HB 2784, A bill to be entitled An Act relating to the authority of a taxing unit to provide an additional exemption from ad valorem taxation for property owned by certain disabled veterans who have been awarded the Purple Heart or their surviving spouses.

HB 2784 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2928 ON SECOND READING**(by Kolkhorst, B. Cook, Chisum, McReynolds, et al.)**

CSHB 2928, A bill to be entitled An Act relating to projects that may be undertaken by certain development corporations with respect to business enterprises or business development.

Representative Ritter moved to postpone consideration of **CSHB 2928** until 10 a.m. April 28.

The motion prevailed.

GENERAL STATE CALENDAR**SENATE BILLS****SECOND READING**

The following bills were laid before the house and read second time:

SB 877 ON SECOND READING**(Woolley - House Sponsor)**

SB 877, A bill to be entitled An Act relating to the direct shipment of wine to consumers; providing a criminal penalty.

SB 877 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 2137 ON THIRD READING**(by Phillips)**

HB 2137, A bill to be entitled An Act relating to the construction or improvement of buildings by the Texas Department of Transportation.

HB 2137 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Coleman offered the following amendment to **HB 2137**:

Amend **HB 2137**, on page 2, line 16, by inserting a new subsection as follows:

"(c) Prior to signing an agreement under this section to lease with an option or options to purchase:

(1) the Texas Transportation Commission shall determine whether bond financing, lease with an option or options to purchase, or full cash payment is the most cost effective alternative for the acquisition of the building or related facility; and

(2) the department shall submit the proposed lease agreement to the Texas Building and Procurement Commission for review and comment.

(d) A lease agreement under this section shall provide for the lease payments to apply to the purchase price of the building or related facility and shall contain the agreed price to purchase the building or related facility if the department exercises that option.

(e) Prior to signing an agreement under this section to exchange department-owned property with a private entity for a building or related facility described in Subdivision (1), the commission shall determine whether the value of the building or related facility owned by the private entity is equal to or greater than the value of the department-owned property.

Amendment No. 1 was adopted. (Howard recorded voting no.)

Amendment No. 1 - Vote Reconsidered

Representative Coleman moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Coleman offered the following amendment to **HB 2137**:

Amend **HB 2137**, on page 2, line 16, by inserting new subsections as follows:

"(c) Prior to signing an agreement under this section to lease with an option or options to purchase the Texas Transportation Commission shall determine whether bond financing or lease with an option or options to purchase is the most cost effective alternative for the acquisition of the building or related facility.

(d) A lease agreement under this section shall provide for the lease payments to apply to the purchase price of the building or related facility and shall contain the agreed price to purchase the building or related facility if the department exercises that option.

(e) Prior to signing an agreement under this section to exchange department-owned property with a private entity for a building or related facility described in Subdivision (1), the commission shall determine whether the value of the building or related facility owned by the private entity is equal to or greater than the value of the department-owned property.

Amendment No. 2 was adopted. (Howard recorded voting no.)

A record vote was requested.

HB 2137, as amended, was passed by (Record 413): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles;

Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Nays — Howard.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Dukes; Gattis; Kolkhorst; Pitts; Turner.

Absent — Chavez; Driver; Krusee; Wong.

STATEMENTS OF VOTE

When Record No. 413 was taken, I was in the house but away from my desk. I would have voted yes.

Krusee

When Record No. 413 was taken, I was in the house but away from my desk. I would have voted yes.

Wong

CSHB 371 ON SECOND READING (by Farabee and Campbell)

CSHB 371, A bill to be entitled An Act relating to liquidated damages for violating certain requirements relating to executory contracts for the conveyance of certain real property.

CSHB 371 was read second time on April 25, amendments were offered, it was then postponed until the end of that day's calendar, and was again postponed until this time.

Amendment No. 3

Representative Miller offered the following amendment to **CSHB 371**:

Amend **CSHB 371** as follows:

(1) On page 1, line 11, strike "Subsections (d), (e), and (f)" and substitute "Subsections (d) and (e)".

(2) Strike page 1, line 13, through page 2, line 1, and substitute:

(c) A seller who fails to comply with Subsection (a) is liable to the purchaser for:

(1) liquidated damages in the amount of \$250 [~~a day~~] for each annual statement [~~day after January 31 that~~] the seller fails to provide to the purchaser within the time required by Subsection (a) [~~with the statement~~]; and

(2) reasonable attorney's fees.

(d) After January 31 of a year in which a statement is required under Subsection (a), the purchaser may request in writing that the seller provide the statement required under that subsection. A request for a statement or accounting with respect to the executory contract or any similar request is presumed to be a request for a statement required by Subsection (a). If the seller does not provide the statement to the purchaser on or before the 14th day after the date the seller receives the request, in addition to the liability imposed by Subsection (c), the seller is liable to the purchaser for liquidated damages in the amount of the lesser of:

(1) \$250 a day for each day after the 14th day after the date the seller receives the request that the seller does not provide the statement; or

(2) the purchase price of the property.

(3) On page 2, strike lines 2-11.

(4) On page 2, strike lines 22-24.

(5) Strike page 2, line 25, through page 3, line 8, and substitute "SECTION 3. Section 5.077(e), Property Code, as added by this Act, applies only to an executory contract entered into on or".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Solis offered the following amendment to **CSHB 371**:

Amend **CSHB 371** as follows:

(1) On page 2, line 25, between "(a)" and "Section 5.077(d)", insert the following:

Section 5.077(c), Property Code, as amended by this Act, applies to the act of a seller who before, on, or after the effective date of this Act fails to timely provide an annual statement as required by Section 5.077(a), Property Code. This subsection does not apply to the liability of a seller for an act for which the seller has paid liquidated damages, or has been ordered by a court to pay liquidated damages, under Section 5.077(c), Property Code, before the effective date of this Act.

(b)

(2) On page 3, line 7, strike "(b)" and substitute "(c)".

Representative Farabee moved to table Amendment No. 4.

A record vote was requested.

The motion to table was lost by (Record 414): 56 Yeas, 79 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Bailey; Baxter; Berman; Blake; Brown, B.; Brown, F.; Casteel; Chisum; Cook, B.; Cook, R.; Delisi; Denny; Eissler; Farabee; Flynn; Giddings; Griggs; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hill; Homer; Hopson; Isett; Jackson; Jones, D.; Keel; Keffer, J.; Madden; McCall;

Mowery; Nixon; Oliveira; Olivo; Orr; Otto; Phillips; Pickett; Riddle; Ritter; Rose; Seaman; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Truitt; Wong; Woolley.

Nays — Alonzo; Anchia; Anderson; Bohac; Branch; Burnam; Callegari; Campbell; Chavez; Coleman; Corte; Crabb; Crownover; Davis, Y.; Dawson; Deshotel; Driver; Dunnam; Dutton; Eiland; Elkins; Escobar; Farrar; Flores; Frost; Gallego; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Grusendorf; Guillen; Harper-Brown; Hegar; Herrero; Hilderbran; Hochberg; Hodge; Howard; Hughes; Hunter; Hupp; Jones, J.; Keffer, B.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Naishtat; Paxton; Peña; Puente; Quintanilla; Raymond; Reyna; Rodriguez; Smith, W.; Solis; Taylor; Thompson; Uresti; Van Arsdale; Veasey; Vo; West; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Dukes; Gattis; Kolkhorst; Pitts; Turner.

Absent — Bonnen; Davis, J.; Edwards; Goodman; Hope; McReynolds; Noriega, M.; Villarreal.

STATEMENTS OF VOTE

When Record No. 414 was taken, I was in the house but away from my desk. I would have voted no.

Hope

I was shown voting yes on Record No. 414. I intended to vote no.

Olivo

Amendment No. 5

Representatives Nixon, Taylor, Miller, and Campbell offered the following amendment to Amendment No. 4:

Amend the Solis amendment to **CSHB 371** on line 5 by striking "seller who" and substituting "seller who has only one contract for deed outstanding and".

Amendment No. 5 was adopted.

Amendment No. 4, as amended, was adopted.

CSHB 371, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

FIVE DAY POSTING RULE SUSPENDED

Representative J. Keffer moved to suspend the five day posting rule to allow the Committee on Ways and Means to consider **HB 3573**, **HJR 99**, and other previously posted bills at 10:30 a.m. or upon adjournment tomorrow in E2.010.

The motion prevailed.

Representative Keel moved to suspend the five day posting rule to allow the Committee on Criminal Jurisprudence to consider **SB 1006** upon adjournment today in E2.016.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, upon adjournment today, Desk 31, for a formal meeting, to consider pending business.

State Affairs, upon adjournment today, Desk 9, for a formal meeting, to consider **HCR 155**.

Transportation, upon adjournment today, Desk 46, for a formal meeting, to consider pending business.

Pensions and Investments, upon adjournment today, Desk 41, for a formal meeting, to consider pending business.

Land and Resource Management, upon adjournment today, Desk 74, for a formal meeting, to consider **HB 1603, HB 2426, HB 2537, HB 2833, HB 2964, HB 3288, SB 224, SJR 40**, and to reconsider all votes on **HB 3128**.

Judiciary, upon adjournment today, Desk 70, for a formal meeting, to consider pending business.

Urban Affairs will reconvene the posted meeting upon adjournment today.

Ways and Means, 10:30 a.m. or upon adjournment tomorrow, E2.010, for a public hearing, to consider **HB 3573, HJR 99**, and other previously posted bills.

Business and Industry, 15 minutes after adjournment today, E2.026, for a public hearing, to consider posted business.

PROVIDING FOR ADJOURNMENT

Representatives J. Moreno and Farrar moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Locario Chirico Perez of Houston.

The motion prevailed.

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 5:47 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 155 (By Chisum), Requesting the Texas Commission on Environmental Quality develop rules to permit and manage dairy-based food production activities.

To State Affairs.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 9

SB 217, SB 734, SB 848, SCR 31

House List No. 31

HCR 110

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 26, 2005

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

LOCAL AND UNCONTESTED CALENDAR**SB 66** Nelson

Relating to the establishment of certain programs and initiatives designed to prevent the manufacture and use of methamphetamine; providing a penalty.

SB 99 Ellis

Relating to the extension of credit to a victim of identity theft.

SB 247 West, Royce

Relating to permitting samples of produce at certain municipally owned farmers' markets.

SB 411 Whitmire

Relating to the regulation of barbers and cosmetologists by the Texas Department of Licensing and Regulation and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.

SB 419 Nelson

Relating to the continuation and functions of the Texas State Board of Medical Examiners, Texas State Board of Physician Assistant Examiners, and Texas State Board of Acupuncture Examiners and the regulation of health care professions regulated by those state agencies; providing administrative penalties.

SB 448 Zaffirini

Relating to the Texas Academy of International Studies at Texas A&M International University.

SB 465 West, Royce

Relating to the administration of psychoactive medication to certain patients.

SB 737 Brimer

Relating to the prosecution of offenses involving the operating or loading of an overweight vehicle in violation of certain laws.

SB 912 Shapiro

Relating to the civil commitment of sexually violent predators.

SB 920 Van de Putte

Relating to creating the Texas Treasure Award to honor businesses that have existed in Texas for 50 years or more.

SB 928 Ellis

Relating to the effect of annexation of territory on the terms of members of the governing boards of certain junior college districts.

SB 929 Ellis

Relating to the service area of the Houston Community College System District.

SB 998 Madla

Relating to contracts with local workforce development boards.

SB 1005 Carona

Relating to the suspension of sentence and the deferral of final disposition for a defendant younger than 25 in certain misdemeanor traffic cases.

SB 1055

Janek

Relating to an alternative method of satisfying certain licensing requirements for assisted living facilities.

SB 1113

Gallegos

Relating to allowing a hospital to release protected health information of a patient to emergency medical services providers for treatment, payment, and health care operations.

SB 1118

Ellis

Relating to the authority to change the name of component institutions of The Texas A&M University System.

SB 1139

Eltife

Relating to monitoring by the Texas Building and Procurement Commission and the Legislative Budget Board of the transfer of surplus or salvage property by state agencies.

SB 1143

Carona

Relating to a loan secured by personal property with limited recourse against the borrower.

SB 1153

Harris

Relating to suits affecting the parent-child relationship, including proceedings for the establishment, modification, and enforcement of child support; providing a civil penalty.

SB 1185

West, Royce

Relating to the qualifications of and training and continuing education for certain officials and personnel of career schools or colleges.

SB 1188

Nelson

Relating to the medical assistance program and the provision of related services.

SB 1205

Madla

Relating to allowing the creation of multi-jurisdictional library districts; authorizing taxes and bonds.

SB 1226

Shapiro

Relating to a study of the reporting requirements imposed on public institutions of higher education.

SB 1230

Fraser

Relating to the authority of the state to fund the operations of the unemployment compensation system.

SB 1247

West, Royce

Relating to admission to the Joint Admission Medical Program.

SB 1318

Staples

Relating to projects that may be undertaken by or supported by the tax proceeds of certain development corporations.

SB 1336

Madla

Relating to a requirement that the Texas Department of Transportation sell or convey the Presidio International Bridge.

SB 1340

Madla

Relating to the regulation and reimbursement of health care services provided through telemedicine or telepsychiatry under the state Medicaid program.

SB 1374

Staples

Relating to notice regarding an exception from elementary school class size limits.

SB 1393

Shapiro

Relating to the accountability of regional education service centers.

SB 1457

Wentworth

Relating to the authority of certain general-law municipalities to annex certain areas.

SB 1498

Fraser

Relating to the requirement for water district consent to certain actions by municipalities that provide law enforcement or fire protection services.

SB 1533

Barrientos

Relating to parking by state employees in state-owned garages.

SB 1555

Gallegos

Relating to taxes, assessments, and impact fees imposed on residential property by the Greater East End Management District.

SB 1583

Zaffirini

Relating to notification of immunization requirements applicable to public school students.

SB 1590

Carona

Relating to use of electronically readable information from a driver's license or personal identification certificate by a commercial business.

SB 1663

Eltife

Relating to emergency communication district participation in state travel services contracts.

SB 1670

Staples

Relating to a motor vehicle financial responsibility verification program; providing a penalty.

SB 1792

Wentworth

Relating to the South Buda Water Control and Improvement District No. 1.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 26, 2005 - 2

The Honorable Speaker of the House
House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 9 Berman SPONSOR: Eltife
Honoring Green Acres Baptist Church in Tyler on its 50th anniversary.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 245 (27 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 6

Senate Conferees: Nelson - Chair/Janek/Lindsay/Shapleigh/Zaffirini

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 26, 2005 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 39 Zaffirini
Relating to continuing education in forensic evidence collection for certain physicians and nurses.

SB 474 Barrientos
Relating to safety regulations for certain extracurricular school activities.

SB 809 Averitt
Relating to the Texas Health Insurance Risk Pool.

SB 867

Staples

Relating to the application of the motor vehicle sales tax emissions reduction surcharge on certain recreational vehicles.

SB 1022

Barrientos

Relating to the creation of the Bee Cave Development District; providing authority to impose a tax and issue a bond or similar obligation.

SB 1130

Hinojosa

Relating to a requirement that a common carrier or pipeline owner or operator report contamination.

SB 1740

Staples

Relating to construction activities allowed while an application is pending with the Texas Commission on Environmental Quality.

SB 1771

Deuell

Relating to the voluntary regulation of persons providing certain ophthalmic goods and services.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 25

Agriculture and Livestock - **HB 1767**

Business and Industry - **HB 153, HB 251, HB 2289, HB 3335**

Criminal Jurisprudence - **HB 49, HB 1012**

Culture, Recreation, and Tourism - **HB 3144**

Defense Affairs and State-Federal Relations - **HB 863**

Elections - **HB 192, HB 719, HB 855, HB 1382, HB 1664, HB 1863, HB 1973, HB 2154, HB 2667, HB 2759, HB 2826, HB 3207, HB 3208, HB 3315, HCR 44**

Government Reform - **HB 2473, HB 2627**

Human Services - **HB 691, HB 3077, SB 48, SB 812**

Insurance - **HB 949, HB 1132, HB 1746, HB 2286, HB 2613**

Judiciary - **HB 3155, HB 3434**

Juvenile Justice and Family Issues - **HB 1575**

Land and Resource Management - **HB 586, HB 1631, HB 1812, HB 3288, HB 3461, SB 574**

Law Enforcement - **HB 1925**

Licensing and Administrative Procedures - **HB 428, HB 833, HB 2544, HB 2856, HB 3424**

Local Government Ways and Means - **HB 89, HB 213, HB 1773, HB 1984, HB 2575, HB 2629, HB 2864, HB 3195, HJR 23**

Natural Resources - **HB 3476**

Public Health - **HB 790, HB 1283, HB 1413, HB 1535, HB 1718, HB 1969, HB 2100, HB 2158, HB 2344, HB 2476, HB 2594, HB 3015, SB 316, SB 403, SB 415, SB 492**

Regulated Industries - **HB 1779**

State Affairs - **HB 317, HB 811, HB 1469, HB 1684, HB 2247, HB 2378, HB 2753, HB 3285**

Transportation - **HB 891, HB 1898, HB 2573, HB 2647, HB 2955, HB 3041, HB 3129, HB 3308**

Urban Affairs - **HB 2714, HB 3528**

ENGROSSED

April 25 - HB 64, HB 126, HB 148, HB 183, HB 183, HB 214, HB 252, HB 370, HB 410, HB 412, HB 468, HB 495, HB 504, HB 526, HB 546, HB 585, HB 614, HB 629, HB 632, HB 698, HB 805, HB 808, HB 952, HB 1018, HB 1186, HB 1188, HB 1191, HB 1531, HB 1558, HB 1630, HB 1646, HB 1690, HB 1745, HB 1759, HB 1807, HB 1820, HB 1935, HB 1937, HB 1951, HB 1959, HB 1987, HB 1996, HB 2024, HB 2025, HB 2096, HB 2172, HB 2267, HB 2331, HB 2384, HB 2555, HB 2584, HB 2760, HB 2892, HB 3353, HB 3481, HCR 13

SENT TO THE GOVERNOR

April 25 - HCR 146, HCR 151

